

Appl. No. 09/803,256
Amendment dated Jan. 21, 2005
Reply to Office action of Nov 12, 2004
Docket No. 6169-181

IBM Docket No. BOC9-2000-0040

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of November 12, 2004 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraphs 3-16 of the Office Action, claims 1, 3, 4, 12, 15, 16, 17, 18, and 20-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,498,180 to Borgstahl, *et al.* (Borgstahl). In paragraphs 17-22, claims 2, 13, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borgstahl in view of U.S. Patent No. 6,532,368 to Hild, *et al.* (Hild). In paragraphs 23-33, claims 5-8, and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borgstahl in view of U.S. Patent No. 6,577,720 to Sutter (Sutter). In paragraphs 34-36, claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borgstahl in view of U.S. Patent Publication No. 2003/0061271 to Pittarelli (Pittarelli). In paragraphs 37-41, claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borgstahl in view of U.S. Patent No. 6,490,616 to Maryka, *et al.* (Maryka). In paragraphs 42-65, claims 1, 3-8, 12, 14-18, and 20-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sutter in view of Borgstahl. In paragraphs 66-71, claims 2, 13, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sutter in view of Borgstahl in further view of Hild. In paragraphs 72-74, claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sutter in view of Borgstahl in further view of Pittarelli. In paragraphs 75-79, claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sutter in view of Borgstahl in further view of Maryka.

In response to the Office Action, claims 1, 12, and 18 have been amended to clarify that an existing, publicly-located, and fixed position kiosk can be retrofitted with a wireless transceiver. Before being retrofitted, the kiosk can lack wireless communication capabilities, yet can communicate over a pre-existing physical communication link

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medium. Once the retrofitting has occurred, the modified kiosk can be configured for a new purpose of wireless providing electronic services to wireless devices within a personal area network (PAN). Support for this amendment can be found at page 3, lines 8-10 and lines 15-18, page 4, lines 1-5, page 5, lines 5-9 and lines 13-14, between page 7, line 29 to page 8, line 6, and throughout the specification.

Claims 3 and 20 have been amended so that they were not redundant with the amended independent claims and to clarify that the kiosk was a single purpose kiosk before said retrofitting step and to emphasize that the kiosk can have at least two purposes after the retrofitting step, as supported by page 3, lines 8-11, between page 7, line 29 to page 8, line 6, and throughout the specification. Claim 7 has been amended to alter claim dependency and to clarify the process of delivering electronic messages to the wireless device, as supported by page 4, lines 4-6, page 8, lines 15-17, page 11, lines 2-13, by item 308 of FIG. 3, and throughout the specification. Claim 8 has been amended to clarify that a retrieved application is retained within and remains executable by a wireless device after the application has been delivered by the kiosk, as supported by page 4, lines 11-13, by page 11, lines 21-25, by page 11, lines 21-25, by page 14, lines 26 to page 15 line 1, and throughout the specification. Claim 9 has been amended to clarify that the selections of applications are user-selections made from the wireless device, as supported by items 230, 240, 215A, and 215 B of FIG. 2, by items 408, 410, and 412 of FIG. 4, by items 512, 514, 516, 518, and 520 of FIG. 5, page 13, lines 10-18, and throughout the specification. Claim 10 has been amended to clarify that the application can be a user-selected application, as supported by page 13, lines 14-16 and throughout the specification. New method claims 24 and 25 have been added to clarify that the kiosk can lack I/O peripherals and that the wireless device can provide I/O, as supported by items 230, 240, 215A, and 215 B of FIG. 2, by FIG. 3 which does not include I/O peripherals, by items 408, 410, and 412 of FIG. 4, by items 512, 514, 516, 518, and 520 of FIG. 5, page 13, lines 10-18, by page 8, lines 1-3, and throughout the specification.

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Claim 14 has been amended and new dependent claims 27-29 have been added to separate items previously included in a Markush grouping into separate dependent claims. Claim 26 has been added to specify that the kiosk can be selected from particular ones of these items, as supported by claim 14 before the amendment. No new matter has resulted from these amendments.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. The Applicants' claimed and disclosed subject matter teaches the retrofitting of an existing kiosk which does not possess wireless communication capabilities, yet which does include a physical communication link medium. Many such devices, like payphones, ticket booths, gas station islands, and the like, are physically located in prime locations to permit them to function as PAN hubs. Further, these existing kiosk are visibly identifiable to potential users, so that users can easily identify locations where wireless communications are available.

Another advantage to the Applicants' invention is that many existing kiosks have a present functionality that is rapidly becoming obsolete as technologies change. For example, pay phone booths are beginning to become somewhat obsolete due to the proliferation of mobile telephone devices. Other existing kiosks, like gas station islands, can achieve a strong competitive advantage by being retrofitted. For example, owners of in-vehicle navigation units can prefer to frequent gas station islands equipped to update the in-vehicle navigation units with PAN available information, like traffic update information. As described, the existing kiosks need not even include I/O peripherals, as the wireless devices can provide the user interface for accessing data and applications via the PAN. The Applicants' invention provides a means to strongly leverage an existing kiosk infrastructure to provide needed capabilities within a growing market segment.

Applicants shall now briefly review the cited references before responding to rejections against specific claims in order to emphasize the purposes of each cited reference and to emphasize the differences in purpose and scope between the cited

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references and the Applicants' claimed invention. Notably, no validly asserted cited reference alone or in combination contemplate retrofitting existing kiosks to incorporate a wireless transceiver in order to turn the existing kiosk into a PAN hubs.

Borgstahl

Borgstahl discloses that a mobile telephone or other such device can be used as a personal presence identifier 122. The personal presence identifier 122 can store a user's identity for authorization purposes and can store the user's desktop configuration settings and personalization data so that the settings can be transferred to proximately located computers, as noted by column 11 line 63 to column 12, line 17. The proximately located computers having more robust I/O peripherals than the mobile telephone can then be used in a user-centric fashion. Thus, Borgstahl ameliorates problems associated with I/O inadequacies of mobile telephones or other such devices, as noted by column 1, lines 30-34. Borgstahl's stated purpose is to personalize the computing environments about a user, using the personal presence identifier, as noted by column 13, line 61 to column 14, line 44.

These teachings are emphasized by the fact that the transfers preferred by Borgstahl occur in a user-transparent fashion, as noted by column 15, lines 23. Hence, Borgstahl teaches that the active device that interfaces with a user is the kiosk, and that the role of the personal presence identifier 122 is to convert a user-agnostic kiosk into a personal kiosk system, as noted at column 15, lines 7-8. Such a role would naturally require the development and design of personal kiosk systems to be performed in accordance with this new innovative role, where many of the newly designed personal kiosk systems would be configured to have extensive user input/output interfaces. For example, the personal tour devices detailed at column 14, lines 33-39 describe a situation where devices arranged within a trade show, museum, theme park, building directory

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etcetera provide exhibit information in accordance with personalization data received from the personal presence identifier 122.

Borgstahl discloses numerous contemplated personalized kiosks configurations, like tour display devices, building directory systems, terminals mounted on shopping carts, and automated teller machines. Thus, Borgstahl contemplates a number of different kiosk rich environments which could benefit from personalizations achievable using the personal presence identifier.

Applicants note that the automated teller machine in context of Borgstahl is presented to provide an example of an interactive personalized kiosk system that would normally require a passcode from a user, yet which according to the teaching of Borgstahl (column 12, lines 18-27) can be automatically provided to the automatic teller machine to allow security without the typing of a password.

Borgstahl is silent in regards to retrofitting existing kiosks.

Sutter

Sutter discloses a system and method for providing high-speed communications from a public terminal, like a payphone. The public terminal has a first interface that allows a user to communicate with a switched communications network and a second interface that connects a device to a high-speed communication network, where the second interface is activated via a user interactive communication through the first interface, as noted by claim 1. One purpose of Sutter is to utilize a similar billing infrastructure for a high-speed communication port as that used by the switched communications network interface, as noted by column 1, lines 52-55. Another purpose of Sutter is to enable users to maintain both voice and data communication paths during a single session, as noted by column 1, lines 57-60.

From FIG. 1, the claimed structure of Sutter would require a data server interface 106, new access ports 114, and a switched network server 104. This proposed infra-

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structure is so different from the currently existing infrastructure for the public terminal that both the public terminal itself and the framework upon which the kiosk is connected would have to be modified. Accordingly, the most obvious way to implement the teachings of Sutter would be to completely re-design a public terminal and its corresponding framework in accordance with Sutter's teachings.

Sutter is silent in regards to retrofitting existing payphones. Additionally, Sutter is silent regarding using the public terminal as a wireless PAN hub.

Hild

Hild was assigned to International Business Machines, Corporation, Armonk, New York at the time the present invention was made. The present invention is also assigned to IBM. Accordingly, under 35 U.S.C. § 103(c) Hild does not qualify as prior art for 35 U.S.C. § 103(a) purposes. Consequently, the 35 U.S.C. § 103(a) rejections to claims 2, 13, and 19, which are based upon Hild should be withdrawn, which action is respectfully requested.

Pittarelli

Teaches an architecture for establishing communications between a plurality of kiosks using a central station. Pittarelli is silent in regard to establishing communications between the kiosks and remote user devices. Pittarelli is silent regarding retrofitting existing kiosks.

Maryka

Maryka teaches a client/server download method. Maryka is silent in regard to kiosks.

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Referring now to specific rejections on the art, in claims 1 and 18 Applicants claim the steps of:

retrofitting an existing, publicly-located, and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link medium;

configuring said kiosk with a new purpose of providing electronic services over short-range radio communications links to wireless devices in a personal area network (PAN);

establishing a short-range radio communications link with a wireless device in said PAN;

retrieving selected electronic services over said existing physical communications link medium; and,

delivering said retrieved selected electronic services to said wireless device in said PAN over said short-range radio communications link.

The examiner rejected these claims under 35 U.S.C. § 102(e) as being anticipated by Borgstahl. Borgstahl, however, fails to explicitly or inherently teach the step of retrofitting an existing kiosk with a transceiver. The Examiner cites column 13, line 62 to column 14, line 6 for this teaching as well as column 14 lines 16-44 and column 15, lines 30-37.

Column 13, line 62 to column 14, line 6 states the personalized kiosk can be a tour device, a building directory system, a terminal mounted on a shopping cart, an ATM machine, and the like. Column 14, lines 16-44 describes an example where the personalized kiosk functions as a tour display device, where the personalized kiosk provides personalized tour information after receiving personalization data from the

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personal presence identifier 122. Column 15, lines 30-37 describes that a personalized kiosk can retrieve Internet information.

Notably, the Borgstahl kiosk examples are all examples having a dedicated purpose and that the described teachings all further that dedicated purpose by personalizing the offerings of the kiosk in accordance with personalized data from the personal presence identifier 122. That is, Borgstahl teaches that the environment about a holder of a personal presence identifier 122 is to be personalized, which occurs through the personalization of the kiosks, which interact with the holder when the holder is proximately located to the personalized kiosk. Borgstahl fails to teach, suggest, or provide examples of a general purpose kiosk in any manner.

Borgstahl further fails to teach utilizing the personalized kiosks as a PAN hub designed as a data and/or application server from which a wireless device user can request Internet data and/or applications. Borgstahl even explicitly teaches that the kiosk/wireless device interactions should occur in a user transparent fashion, as noted at column 15, lines 5-8, which furthers the purpose of Borgstahl of personalizing the environment about a wireless device holder for a dedicated purpose, but teaches away from the Applicants' claimed invention, where the Applicants' claimed kiosk is a general purpose kiosk specifically designed to function as a wireless PAN hub.

Applicants emphasize that Borgstahl fails to explicitly or inherently teach the retrofitting of an existing kiosk having a physical communication link so that the retrofitted kiosk includes a wireless transceiver. Moreover, none of these citations even contemplate such a teaching.

Because under 35 U.S.C. § 102(e) each claimed limitation must be explicitly or inherently taught, and because Borgstahl fails to explicitly or inherently teach the retrofitting step (or the step of configuring the retrofitted kiosk with a new purpose), the 35 U.S.C. § 102(e) rejections to claims 1 and 18, as well as to dependent claims 3, 4, 20, 21, and 23 should be withdrawn, which action is respectfully requested. Since

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independent claim 12 also contains the limitation of retrofitting an existing kiosk, the U.S.C. § 102(e) rejections to claims 12 as well as to dependent claims 15, 17, and 22 should also be withdrawn, which action is respectfully requested.

All other rejections against the claims are based upon U.S.C. § 103(a). Specifically, in paragraphs 17-41 of the Office Action, claims 2, 5-11, 13-14, and 19 have been rejected as being unpatentable over Borgstahl in view of various combinations of Sutter, Maryka, Pitarrelli, and Hild. Further, in paragraphs 42-79 of the Office Action, claims 1-23 have been rejected as being unpatentable over Sutter in view of Borgstahl, in further view of various combinations of Maryka, Pitarrelli, and Hild. Since Hild is not a proper reference under U.S.C. § 103(c) Applicants need not address it in any manner and rejections based upon it should be withdrawn.

As previously mentioned, Borgstahl fails to teach or suggest the claimed retrofitting step (or the claimed step of configuring the retrofitted kiosk with a new purpose). Sutter, Maryka, and Pitarrelli fail to cure this deficiency. Maryka provides no teachings explicitly directed towards kiosks. Neither Pitarrelli nor Sutter provides teachings regarding using a kiosk as a wireless PAN hub, whether the kiosk was retrofitted or not. Pitarrelli is silent in regard to retrofitting existing kiosks.

In paragraph 45, the Examiner admits that Sutter fails to disclose a kiosk having a short-range radio frequency communication system. The Examiner, however, cites column 1, line 62 to column 2, line 35 and column 3 lines 1-6 and lines 39-42 for teaching retrofitting an existing kiosk. No such teachings, however, are present within Sutter.

Column 1, line 62 to column 2, line 35 of Sutter teach that Sutter's innovation solves problems relating to providing high-speed communications from a fixed public terminal, like a payphone. Column 3, lines 1-6 states that computing devices can be connected to the fixed public terminal via a physical port to receive high-speed communications. Column 3, lines 39-42 states that the computing device can access the Internet via the

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high-speed physical port, where the Internet is defined to include a plurality of linked sub-networks including PANs, LANs, WANs, and MANs. Sutter is silent in regard to retrofitting existing kiosks.

To establish prima facie obviousness of a claimed limitation, all the claim limitations must be taught or suggested by prior art. Since neither Borgstahl nor Sutter explicitly teaches the retrofitting limitation, Applicants assume such a limitation is believed to be implicitly disclosed. Applicants note that the implicit disclosure has to be clear from the references themselves and not based upon hindsight reasoning of one with the benefit of the Applicants disclosed invention.

Basic considerations which apply to obviousness rejections include:

- (A) The claimed invention must be considered as a whole
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination
- (C) The references must be viewed without impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard by which obviousness is determined.

The invention as a whole

The Applicants invention as a whole provides an innovation for leveraging an existing infrastructure of well placed public kiosks for a new purpose. To achieve this leverage, preexisting kiosks are to be retrofitted for this new purpose.

The references must be considered as a whole

Borgstahl considered as a whole teaches that a computing environment about a person can be personalized using a personal presence identifier. Specifically, personalizing information can be conveyed from the personal presence identifier to

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permit proximate kiosks to be modified in accordance with this personalizing information. A user can then interact with these personalized kiosks in a user-specific manner in accordance with user preferences.

When considering Borgstahl as a whole, it is clear that Borgstahl does not suggest the desirability to retrofit an existing kiosk to so that that kiosk can function as a wireless PAN hub or a wireless application server for a wireless device. Instead, Borgstahl teaches that configurable settings of applications executing within a kiosk can be automatically set by data from a personal presence identifier 122, whenever the holder of the personal presence identifier 122 is proximately located to the kiosk. The adjusted kiosk can then provide the holder with a more personalized feedback, feedback which is dedicated to a specific purpose, like a museum tour. Upon leaving the wireless transmission area of the personalized kiosk, the personalized data may be sent to a different personalized kiosk, like another museum tour kiosk that talks about displayed items in the vicinity of the personalized kiosk that is able to again interact with the holder of the personal presence identifier 122 in a personalized manner based upon the transmitted data. The changes in application settings that ultimately personalize the kiosk, do not involve retrofitting a kiosk, nor do they infer or imply retrofitting a kiosk. Hence, Borgstahl teaches adjusting configurable settings of a kiosk, which the kiosk has likely been specifically designed to include as a conventional kiosk would not be designed to have configurable settings in accordance with kiosk requirements inherent within the teachings of Borgstahl.

Consequently, Borgstahl provides no teachings about retrofitting a kiosk (such as a gas station island, a ticket booth, or a payphone) so that the kiosk would be able to perform its prior function in addition to a new function. Such a modification would not further the purpose that Borgstahl is directed towards (kiosk personalization). Additionally, it would not be desirable to retrofit existing kiosks (which Borgstahl fails to teach or suggest) in accordance to the teachings of Borgstahl, as retrofitted kiosks would

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not have the robust I/O peripherals that Borgstahl prefers and which allow a personalized kiosk to interact with a user, nor would a retrofitted kiosk include configurable applications whose settings are adjusted in accordance with data from a personal presence identifier 122.

Turning to Sutter, Sutter considered as a whole is directed towards providing high-speed communications from a fixed public terminal utilizing an existing billing infrastructure. Sutter makes no mention of wireless communications. Wireless communications would in fact be problematic, as Sutter requires the high-speed communications port to be activated from the handset of the public terminal using a switched communication link, as opposed to the high speed port. The infrastructure required to utilize Sutter is significantly different from the infrastructure use by fixed public terminals at the time Sutter was invented. The public terminal, for example, requires a switched network server, a high speed communications interface 114, a high speed communications line, and a data server interface 108. Changing this infrastructure would most likely involve completely redesigning public terminals in accordance with Sutter's teachings.

Impermissible Hindsight

When considering the scope of prior art, content of the prior art is determined at the time of the invention to avoid hindsight. As noted in the Applicants' background beginning at page 1, line 26, at the time of the invention the ASP architecture had not been employed as widely in the wireless arena as it had in the wire line arena. Thus, even modifying Sutter to include wireless communications capabilities (not mentioned by Sutter) would likely not be obvious at the time of the invention. Nor would extending the teachings of Borgstahl to include ASP capabilities, not specified from within Borgstahl.

Further, a patentable invention may lie in the discovery of a source of a problem, even though the remedy may be obvious once the source of the problem is identified.

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This is part of the subject matter as a whole which should be considered as part of obviousness determinations. There are no teachings within Borgstahl, Sutter, or other cited references that identify the problems with cost effectively establishing wireless PAN hub presences within key public locations. These problems are inherently solved by retrofitting the existing fixed, publicly-located kiosk with the new purpose by adding a wireless transceiver to the existing kiosks. Further, problems of what to do with an aging kiosk infrastructure (public phones) are solved by the Applicants' claimed invention, yet not identified by the cited art references. Further still, the retrofitted kiosk is still available for its prior use, thus a retrofitted kiosk can perform double duty, which is still another significant advantage of the Applicants' claimed invention that is not contemplated by the cited references.

Additionally, one factor that can be considered when addressing obviousness decisions is actions taken within the relevant art subsequent to the date of invention. That is, if an invention poses a significant, commercial feasible economic benefit, which is not taken, it can be presumed that the invention is not in fact obvious. Consider that in airports and other public locations, payphones are being removed and discarded due to decreasing revenue streams. At the same time, the telecommunication industry is competitively vying for public space for establishing wireless communication hubs. To date, Applicants are not aware of any attempt by industry leaders to retrofit existing kiosks to function as wireless hubs, as claimed by the Applicants herein, thereby indicating the retrofitting step is not obvious to those of ordinary skill in the art.

In light of the above, Applicants have shown that the retrofitting of an existing kiosk with a wireless transceiver as claimed above is not expressly or implicitly taught by Borgstahl, Sutter, Pittarelli, Maryka, or combinations thereof. Since each claimed limitation must be taught or suggested by the art for a rejection under U.S.C. § 103(a) to be validly asserted, the U.S.C. § 103(a) rejections to independent claims 1, 12, and 18

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and thus to dependent claims 2-11, 13-17, 19-29 should be withdrawn, which action is respectfully requested.

Even though the claims should now be in condition for allowance, Applicants shall briefly note additional dissimilarities between cited art and the Applicants' claimed invention. In rejecting claims 5-8 in paragraphs 23-33 of the Office Action, the Examiner combined teachings of Borgstahl with those of Sutter to cure the deficiencies of Borgstahl pertaining to the limitations of wirelessly conveying applications from the kiosk to the wireless device and wirelessly conveying email from the kiosk to the wireless device. In asserting the motivation for combining the references, the Examiner states that this would increase the functionality of Borgstahl's wireless service system. Borgstahl, however, fails to describe a system where a kiosk functions as an application or email server to a wireless device. Instead Borgstahl teaches the personalization of kiosks using a personal presence identifier. The only "downloading" of data mentioned is to update the personal presence identifier to further enhance the personalized functions provided by the kiosk, such as (as noted at column 15, lines 45-55) the user can add personal notes and annotations to the information received from the personal kiosk system. Thus, the purpose of Borgstahl is not furthered combining of Borgstahl with Sutter, and no motivation that does further the purpose of Borgstahl exists. Accordingly, it is improper to combine Borgstahl with Sutter in the suggested manner for the 35 U.S.C. § 103 purposes.

Notably, the level of skill in the art cannot be relied upon to provide the suggestion to combine references, as noted by Al-Site Corp. v. VSI Int'l Inc., 174 F3d 1308 (Fed. Cir. 1999). Instead, in determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification, as noted by In re Linter, 458 F.2d 1013, 1016 (CCPA 1972). One of skill

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in the art, having Borgstahl and Sutter before them would not think to combine Sutter, which provides no personalizing references, with Borgstahl to convert Borgstahl into an wireless application server, which does not further the teachings of Borgstahl when taken as a whole. Further, one of ordinary skill in the art would not analyze Sutter considering Borgstahl and modify Sutter to turn Sutter in to a wireless hub. Since the teachings of Sutter require use of the handset to activate the high-speed access port, these teachings would not obviously enhance Sutter. Instead, one analyzing Sutter in view of Borgstahl may contemplate ways to personalize the public station based upon data contained within the connected computing device. Accordingly, it is improper to combine Sutter with Borgstahl in the suggested manner for the 35 U.S.C. § 103 purposes.

Similarly, one of skill in the art, would not combine the teaching of Borgstahl and Pittarelli to provide in the manner suggested, since neither Borgstahl nor Pittarelli teach utilizing a Kiosk as an application server. That is, the Applicants claim that services requested by the wireless device of the kiosk can be processed in a particular manner. Neither Borgstahl nor Pittarelli teach that the kiosk is to provide requested services to the wireless device. Pittarelli does not even teach that a kiosk is used to convey information to a remote device. Instead, one of ordinary skill analyzing Borgstahl in view of Pittarelli would contemplate ways a central station could further personal a user's experience with a personalized kiosk. Accordingly, it is improper to combine Borgstahl with Pittarelli in the suggested manner for the 35 U.S.C. § 103 purposes.

Likewise, one of skill in the art would not combine the teachings of Borgstahl and Maryka in the manner suggested. The Examiner cited that such a combination would have the advantage of responding to user requests more quickly without establishing unnecessary connections to the server. However, as noted by column 15, lines 5-8 of Borgstahl, the personal kiosk system and the personal presence identifier are preferably arranged to convey information in a manner that is transparent to the user. Borgstahl fails to teach or suggest that user requests are made from a wireless device at the kiosk, such

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teachings being against the above referenced explicit teachings of Borgstahl. Consequently, one examining Borgstahl in light of Maryka attempting to further the purposes of Borgstahl, would not make the suggested combination. Accordingly, it is improper to combine Borgstahl with Maryka in the suggested manner for the 35 U.S.C. § 103 purposes.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 21 Jan 2005



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